

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Tina M. Battko**

**Docket No. 5:10-CR-86-1FL**

**Petition for Action on Probation**

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Tina M. Battko, who, upon an earlier plea of guilty to Theft of Government Property, in violation of 18 U.S.C. § 641, was sentenced by the Honorable Louise W. Flanagan, Chief U.S. District Judge, on August 13, 2010, to a 60-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 180 consecutive days. The defendant shall be restricted to her residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
5. The defendant shall not go on or enter any Armed Forces Exchange facility during the probationary term and shall surrender her military identification card for this restriction to be noted thereon.

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6. The defendant shall not go on or enter the Fort Bragg Military Reservation or Pope Air Force Base during the probationary term.
7. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
8. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On October 25, 2010, the defendant submitted to drug testing which proved positive for cocaine. She signed a statement admitting that she used cocaine on October 21, 2010. The defendant advised this was an isolated incident but believes in light of her significant substance abuse and mental health history, she would benefit from inpatient treatment. This will allow an opportunity for the defendant to have her mental health and substance abuse issues addressed in a controlled setting, as well as a re-evaluation of her prescribed medications. It is respectfully recommended that in lieu of the two-day DROPS sanction, she be allowed to enter an inpatient treatment facility in an effort to address what is perceived to be serious mental health and substance abuse issues.

In light of the defendant's financial situation, it is also recommended that her restitution payments be reduced to \$25 per month and that the government pay the cost of the electronic monitoring fees. Her husband was recently laid off work and the family currently has no income.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. In lieu of the two-day DROPS sanction, the defendant will be allowed to enter an inpatient treatment facility for the treatment of substance abuse and mental health issues.
2. The defendant's monthly restitution payment be reduced from \$75 to \$25 per month.
3. The U.S. Probation Office will assume financial responsibility for the electronic monitoring fees.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

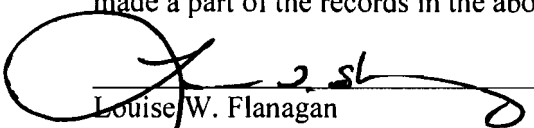
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Debbie W. Starling  
Debbie W. Starling  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: October 26, 2010

**ORDER OF COURT**

Considered and ordered this 28<sup>th</sup> day of October, 2010, and ordered filed and made a part of the records in the above case.

  
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Louise W. Flanagan  
Chief U.S. District Judge